

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

BOBBY G. MOORE and DYNNA MOORE,  
Plaintiffs,

v.

R.G. BRINKMANN COMPANY d/b/a BRINKMANN  
CONSTRUCTORS, NEGWER MATERIALS, INC., DURA-STILT  
SALES LIMITED PARTNERSHIP, IAM OF PUERTO RICO, INC.,  
and TOOLS FOR TRADES, INC.  
Defendants.

No. 3:11-CV-208 JPG-PMF

R.G. BRINKMANN COMPANY,  
Crossclaimant and Third-party Plaintiff,

v.

IAM OF PUERTO RICO, INC.,  
Crossdefendant,

and

AMERICAN EXTERIOR-INTERIOR SERVICES, INC.,  
Third-party Defendant.

NEGWER MATERIALS, INC.  
Crossclaimant and Third-party Plaintiff,

v.

TOOLS FOR TRADES, INC. and IAM OF PUERTO RICO, INC.  
Crossdefendants,

and

AMERICAN EXTERIOR-INTERIOR SERVICES, INC.,  
Third-party Defendant.

TOOLS FOR TRADES, INC.  
Crossclaimant,

v.

IAM OF PUERTO RICO, INC.,  
Crossdefendant.

**MEMORANDUM AND ORDER**

This matter comes before the Court on the first motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(2) for lack of personal jurisdiction filed by

defendant/crossdefendant IAM of Puerto Rico, Inc. (“IAM”) (Doc. 60). IAM’s first motion to dismiss (Doc. 60) is directed toward the plaintiffs’ second amended complaint (Doc. 29). Since IAM filed the motion, the plaintiffs have filed a third amended complaint (Doc. 95). Because the first motion to dismiss is directed at the second amended complaint, which is no longer the operative complaint in this case, *Massey v. Helman*, 196 F.3d 727, 735 (7th Cir. 1999), the Court **DENIES as moot** the first motion to dismiss (Doc. 60).

Because the claims against IAM in the third amended complaint are the same as those in the second amended complaint, the Court **ORDERS** that the January 30, 2012, deadline for responding to IAM’s first motion to dismiss (*see* Doc. 93) shall also apply with respect to IAM’s pending motion to dismiss the third amended complaint (Doc. 105). Responses to IAM’s other pending motions to dismiss (Docs. 107, 108 & 109) shall also be filed on or before January 30, 2012.

**IT IS SO ORDERED.**

**DATED: January 10, 2012**

s/ J. Phil Gilbert  
**DISTRICT JUDGE**